



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: March 21, 2017

Time: 6:30 PM

Location: City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA

1. ROLL CALL

Roll Call showed 9 present.

Mayor Kennedy presiding.

C. Mercier requested moment of silence in darkened chamber for Eileen Golden (mother of Rep. Thomas Golden). C. Rourke spoke of Mrs. Golden and recognized City for their support.

C. Leary requested moment of silence in darkened chamber for Steve O'Brien.

2. CITY CLERK

2.1. Minutes of City Council Meeting March 7th; Neighborhoods SC March 13th, for acceptance.

In City Council, minutes read, **Motion** "To accept and place on file" by C. Milinazzo, seconded by C. Samaras. So voted.

3. GENERAL PUBLIC HEARINGS

3.1. Ordinance-Amend Ch. 9 Boards Comm by adding new Art XII Diversity Council.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. Speaking in favor was Kevin Coughlin (DPD) who outlined ordinance and reason for it. C. Samaras commented on the efforts of the administration noting all people should have a voice in the City. **Motion** to adopt by C. Samaras, seconded by C. Rourke. Adopted per Roll Call vote, 9 yeas. So voted.

3.2. Ordinance-Amend Ch. 290 Zoning entitled Unregistered Vehicles, amend sec. 4.3.5.2.



In City Council, Given 2nd Reading, hearing held. No Remonstrants. Speaking in favor were Eric Slagle (Insp. Services) and Deb Forgione. C. Mercier noted the need for the ordinance for a long time and that it is a fair ordinance. C. Leahy questioned repair of unregistered vehicles. Mr. Slagle noted that ease of enforcement should be considered. **Motion** to adopt by C. Mercier, seconded by C. Leahy. Adopted per Roll Call vote, 9 yeas. So voted.

3.3. Ordinance-Amend Zoning Special Permits s.11.3.1 and Art XII Table of Uses.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. Speaking in favor were Eric Slagle (Insp. Services) and Deb Forgione. **Motion** to adopt by C. Milinazzo, seconded by C. Mercier. Adopted per Roll Call vote, 9 yeas. So voted.

3.4. Loan Order-Garage Design Bond (HCD)-\$1,200,000.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. Speaking in favor were Nicholas Navin (Parking Dir.) and Armand Hebert. Manager Murphy noted that repayment will be from parking fees and not taxes. C. Belanger questioned status of the land swap with National Parks. Manager Murphy noted that it is moving forward but not needed to build this garage. C. Elliott questioned parking schemes that are being reviewed. Manager Murphy commented on various studies being done. C. Milinazzo questioned if parking would contain retail as well. Manager Murphy noted that there would be no retail with this parking. **Motion** to adopt and refer to Clerk's Office for 20 days by C. Belanger, seconded by C. Elliott. Adopted per Roll Call vote, 9 yeas. So voted.

4. UTILITY PUBLIC HEARING

4.1. National Grid - Request permission to install underground line of electric conduits including the necessary sustaining and protecting fixtures to service the Hamilton Canal District.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. Speaking in favor were Joe Insight (National Grid) and Lisa Demeo (City Engineer). C. Belanger questioned if work was part of Mass Works Grant. Manager Murphy indicated that it was not. **Motion** to refer to Wire Inspector for report and recommendation by C. Samaras, seconded by C. Rourke. So voted.



5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses

In Council, **Motion** “To accept and place on file” by C. Elliott, seconded by C. Mercier. So voted.

(A) Pedestrian Crossing Andover Street – C. Samaras questioned time frame. Manager Murphy provided time for completion. C. Leary noted the crossing will resolve some issues. C. Belanger noted it was a long process but it will result in improvements. C. Leahy questioned about future work on street. C. Elliott noted improvement in managing traffic and slowing it down.

(B) Lewis Street Stop Sign – C. Mercier noted that factors did not warrant a stop sign but lane markings will cause improvement.

(C) Sidewalk Snow Removal – C. Leahy noted there were several warnings and fines and the City must compel business to be proactive with snow removal.

(D) Status of the Luz Building on Gorham Street – C. Belanger commented on demolition report. Mr. Slagle commented on history of building and search for the owner and noted that a sale may be commencing which will enhance demolition. C. Mercier commented on purchase and sale agreement and identifying owners. C. Leahy questioned restrictions on any future buildings. Mr. Slagle noted zoning restrictions. C. Elliott questioned if there would be an educational component to the building. C. Rourke questioned location of the building.

(E) 70 Seventh Street - C. Leahy commented on work done and questioned abatements for prior years.

5.2. Communication-Planning Board Recommendation regarding amending Zoning Ordinance Section 4.3 (Accessory Uses) Section 4.3.5 (2) Storage of Unregistered Vehicles at residential properties.

In Council, **Motion** “To accept and place on file” by C. Elliott, seconded by C. Samaras. So voted. C. Elliott noted the ordinance addresses problems that existed as well as automotive repairs done on such vehicles. Mr. Slagle noted the commercial language in the ordinance limiting the number of unregistered vehicles. C. Elliott noted it would clean up many of these businesses.



5.3. Communication-Planning Board Recommendation regarding amending Zoning Ordinance Section 11.3 Special Permits subsection 11.3.1 Special Permit Granting authority Amend Article XII and Table of Uses.

In Council, **Motion** "To accept and place on file" by C. Milinazzo, seconded by C. Rourke. So voted.

6. VOTES FROM THE CITY MANAGER

6.1. Vote-Special Legislation relative to Article 97.

In City Council, Given 1st reading, C. Milinazzo objected to the second reading. M. Kennedy informed body that under Council Rules the matter will be brought forward on the next Council agenda.

7. ORDERS FROM THE CITY MANAGER

7.1. Order - 60 day trial-(Various).

In City Council, Order withdrawn per Manager Murphy for further review.

8. ORDINANCES FROM THE CITY MANAGER

8.1. Ordinance-Traffic 2017.

In City Council, Given 1st Reading, **Motion** to refer matter to Public Hearing on April 4, 2017 at 7 PM by C. Milinazzo, seconded by C. Samaras. So voted.

9. REPORTS (SUB/COMMITTEE, IF ANY)

9.1. Neighborhoods SC March 13, 2017.

In City Council, C. Leahy issued report noting the attendance and discussion regarding crime report for City as well as Highlands neighborhood. C. Samaras noted discussion regarding opioid use and prevention. **Motion** by C. Leahy, seconded by C. Samaras to accept the report as a report of progress. So voted.

9.2. Parks & Recreation SC March 21, 2017.

In City Council, C. Mercier issued report noting the attendance and discussion regarding Roberto Clemente Field dedication. C. Mercier noted following motion was voted to be placed before full Council. **Motion** by C. Mercier, seconded by C. Elliott to appropriate and dedicate Roberto Clemente Field at Koumantzelis Park and refer to Board of Parks. Adopted per Roll Call vote, 9 yeas. So voted. C. Elliott noted the appreciation of the organization group.



10. PETITIONS

10.1. Claims - (2) Property.

In Council, read and **Motion** to refer to Law Department for report and recommendation by C. Leahy, seconded by C. Leary. So voted.

10.2. Misc.-Decio Andrade Request a Handicap Parking Sign @ 6 Linden Street.

In Council, read and **Motion** to refer to Traffic Engineer for report and recommendation by C. Leahy, seconded by C. Leary. So voted.

10.3. Misc.-Augusto Zandanel (Capricci Cafe) request overhanging sign @ 108 Merrimack Street.

In Council, read and **Motion** to refer to Law Department for report and recommendation by C. Leahy, seconded by C. Leary. So voted.

10.4. Misc. - Piseth Cheav (Sweet Journey) request permission to install overhanging sign at 30 Central Street.

In Council, read and **Motion** to refer to Law Department for report and recommendation by C. Leahy, seconded by C. Leary. So voted.

11. CITY COUNCIL - MOTIONS

11.1. C. Belanger-Req. City Mgr. address continued dumping along First Street corridor.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Belanger noted it was a continuing problem and there is a need for permanent solution. Manager Murphy noted the need for permanent solution. C. Leary commented the use of cameras may be helpful in the area.

11.2. C. Belanger-Req. City Mgr. work to address lighting and safety issues at parking lot on Broadway Street adjacent to Yim's Variety.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Belanger noted that it is a difficult area and there is a need to gain control of it.

11.3. C. Belanger-Req. City Mgr. work with Secretary of Energy and Environmental Affairs to discuss options to remove restrictions on the Cawley site.



In City Council, seconded by C. Leary, referred to City Manager. So voted. Per request Item # 11.5; 11.7; 11.13 were taken out of order and discussed along with this motion. The following registered speakers addressed Council regarding motions: Armand Hebert; Olivia; Noel Creegan; and Jay Hungate. C. Belanger noted the need to keep Cawley on table as an option. Manager Murphy noted the meeting with state agency and the advice received moving forward. C. Elliott noted the urgency to identify all or any restrictions on any of the potential sites. Manager Murphy noted discovery is ongoing and none have been identified at this point in time. C. Leary noted the presence of all options enhances competition. C. Milinazzo commented on delaying prior vote so that all neighborhoods could receive information regarding project. C. Milinazzo noted the need to not impair the ability of the City to garner further grants by their actions in this matter. C. Milinazzo noted the need for fiscal responsibility moving forward. M. Kennedy noted any grant agreements available in this matter state that repayment of grant money is not an option to lift restrictions. C. Mercier questioned paying back the amount of grants. Manager Murphy noted that was not option recommended by State. C. Milinazzo noted that an offsite location is not necessary for any submission regarding project. C. Rourke questioned what grant agreements are in existence. Manager Murphy commented on what documentation there was and outlined the position of the State agency. C. Elliott commented on the lack of documentation on the matter. Atty. Veloso (Law Dept.) commented on the research done regarding grant applications which included review of site work plans. C. Rourke questioned knowledge of relevant documentation on the part of the State. Michael McGovern (Asst. City Mgr.) outlined restriction coverage. C. Leary questioned replication of parking lots. Manager Murphy noted there is no need to replicate parking lots. C. Leahy questioned monies spent on bleachers. C. Milinazzo noted that replication is not reimbursable. C. Leary noted that all project will have costs and they should be thoroughly reviewed before selection. C. Belanger questioned amount to be spent on replication. Manager Murphy noted that was mandated by the State and City continues to work on issue. C. Mercier noted change orders as well as costs associated with eminent domain. C. Rourke requested all of the documentation regarding grant applications. C. Elliott noted the need to have special legislation for the Cawley option and that need to be aware of time constraints. Manager Murphy noted that delay will not affect process regarding special legislation vote. C. Samaras noted timing of submissions.

11.4. C. Belanger-Req. City Mgr. work with Youth Services to roll out summer jobs program for 2017.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Belanger noted success with prior rollout and that it should be same for this year.



11.5. C. Elliott-Req. City Mgr. /Law Department identify any potential preservation/conservation restrictions relative to downtown options for Lowell High School construction project.

In City Council, seconded by C. Leary, referred to City Manager. So voted. See discussion under Item # 11.3.

11.6. C. Leahy-Req. City Mgr. investigate the possible use of iPad by department heads in order to operate more efficiently.

In City Council, seconded by C. Leary, referred to City Manager. So voted. C. Leahy requested review to see if they could be of assistance in the field.

11.7. C. Leary-Req. City Mgr. report to City Council by March 21st all the potential options available and make recommendations in order to keep the Lowell High School option four, Cawley field, on the table for final consideration.

In City Council, seconded by C. Belanger, referred to City Manager. So voted. See discussion under Item # 11.3.

11.8. C. Leary-Req. City Mgr. work with the Lowell Public Schools Superintendent in order to determine the potential busing costs for all Lowell High School students; report to include busing costs if school redistricting is implemented.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Leary noted need for plan if high school should change location. M. Kennedy commented on bussing at Lowell High School. C. Elliott noted some savings plans being worked upon. C. Samaras noted that any change in school starting time will need to be addressed as well.

11.9. C. Leary - Req. City Mgr. have DPW repair the multiple potholes on Park Ave W. and at the end of Perry Street.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Leary noted neighborhood issue and that it being addressed.

11.10. C. Leary - Req. City Mgr. review the impact that the President's proposed budget cuts to the Community Development Grants would have on the City should they be implemented.



In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Leary commented on the need for budget preparation.

11.11. C. Milinazzo-Req. City Mgr. have the Traffic Engineer determine the appropriate speed limit for East Merrimack Street between Rivercliff Road and Nesmith Street.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Milinazzo noted speed seemed excessive for that area.

11.12. C. Milinazzo - Req. City Mgr. have Law Department prepare the proper vote to indemnify Board of Parks member Peter Finnegan as it relates to the ethics complaint filed against him related to the Article 97 vote.

In City Council, C. Milinazzo withdrew motion without objection.

11.13. C. Rourke-Req. City Mgr. repay grant money as related to the Article 97 parcels at Cawley Stadium.

In City Council, seconded by C. Belanger, referred to City Manager. So voted. See discussion under Item # 11.3.

11.14. C. Samaras/C. Belanger-Req. City Mgr. have DPD create a questionnaire for downtown businesses to identify reactions to location of Lowell High School.

In City Council, no second needed, referred to City Manager. So voted. C. Samaras noted it was a group that should be heard on the issue.

11.15. C. Samaras - Req. City Mgr. have proper department provide information to our residents on who is allowed to sell electricity door to door.

In City Council, seconded by C. Leary, referred to City Manager. So voted. C. Samaras noted the neighborhood concerns and that selling tactics are very aggressive. Manager Murphy commented on the City's current electric contract and its savings.

11.16. C. Samaras - Req. City Mgr. update City Council relative to the disposition of the Soucy parcel of land.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Samaras noted interest from various companies in the site. C. Elliott commented on prior interested party treatment of employees.



Motion by C. Elliott, seconded by C. Milinazzo to second and bundle items # 11.17; 11.18; 11.19; 11.20; and 11.21. So voted. M. Kennedy relinquished Chair to Vice Chair Rourke at 8:40 PM.

11.17. M. Kennedy-Req. City Mgr. have Traffic Engineer conduct a traffic study that would consider the impact on the projected increase in traffic in the Belvidere neighborhood and on Route 133 and Route 38 if the high school were to relocate out of the downtown.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. M. Kennedy request that all response information be provided to the body before the vote noting issues like environmental studies and parking studies may take longer. M. Kennedy noted parking scheme has changed and there is a need for information regarding that. M. Kennedy commented that the vote regarding Ch. 97 restrictions should have replication plan supporting it as well information regarding ability to obtain grants in future. C. Milinazzo commented on documents provided by administration. M. Kennedy noted he was not requesting extra studies to be performed. C. Leary noted information on all sites is important including public input on educational plans.

11.18. M. Kennedy-Req. City Mgr. report to City Council regarding anticipated costs due to infrastructure and traffic improvements necessary if the high school were to move out of downtown including any sidewalks, road improvements and traffic lights that were needed.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. See discussion under item # 11.17.

11.19. M. Kennedy-Req. City Mgr. report to City Council regarding any standing that the Town of Tewksbury would have regarding Article 97 and on any conservation or environmental issues.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. See discussion under item # 11.17.

11.20. M. Kennedy-Req. City Mgr. report to City Council regarding votes necessary by the Conservation Commission regarding the wetlands adjacent to the Cawley site and the natural heritage endangered species area that is adjacent to the Cawley site.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. See discussion under item # 11.17.



11.21. M. Kennedy-Req. City Mgr. report on Parking Solution regarding the Cawley Site.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. See discussion under item # 11.17.

12. ANNOUNCEMENTS

In City Council, M. Kennedy noted 30th Anniversary for Angkor Dance Troup. C. Mercier noted Greek Hellenic flag raising.

13. ADJOURNMENT

Motion to Adjourn by M. Kennedy, seconded by C. Samaras. So voted.

Meeting adjourned at 8:50 PM.

Michael Q. Geary, City Clerk